

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAVELLE W. SEARCY,
Plaintiff

Case. No. 10-11243

v.

Honorable John Corbett O'Meara
Magistrate Judge David R. Grand

MACOMB COUNTY JAIL,
ET AL.,
Defendants.

**ORDER DENYING PLAINTIFF'S "MOTION TO STRIKE PLAINTIFF'S
MDOC CRIMINAL HISTORY FROM EXHIBIT 1 OF DEFENDANT
ARAMARK'S MOTION FOR SUMMARY JUDGMENT" (Doc. #43)**

Before the court for a determination and order is Plaintiff's "Motion to Strike" (Doc. #43) in which he asks the court to strike his criminal history report that was attached as part of Exhibit 1 to Defendant Aramark Corporation's motion for summary judgment (Doc. #34-2 at 3-6). For the reasons discussed below, the court will deny Plaintiff's motion.

Defendant Aramark filed a response to Plaintiff's instant motion to strike, arguing that the motion lacked any basis in law and was procedurally improper. Doc. #44. However, the court need not reach those merits as Plaintiff filed a reply brief in which he stated he "has no OBJECTIONS to [Aramark's] arguments." Doc. #46 at 1. As a suggested quid pro quo, Plaintiff asked that the court consider various conditions of his confinement not raised in this action in ruling on the Defendants' then-pending dispositive motions. *Id.* However, on March 13, 2012, this court issued a Report and Recommendation to grant the Defendants' dispositive motions and to dismiss this action. Doc. #52. The court considered neither Plaintiff's criminal history, nor his newly-raised confinement issues in its decision. *Id.*

Since Plaintiff has no objection to Aramark's position, and since the court did not consider the information at issue in its Report and Recommendation, the court will deny Plaintiff's instant motion to strike.

For the reasons stated above, IT IS ORDERED that Plaintiff's Motion to Strike (Doc. #43) is DENIED.

Dated: March 14, 2012
Ann Arbor, Michigan

s/David R. Grand
DAVID R. GRAND
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. § 636(b)(1).

CERTIFICATE OF SERVICE

The undersigned certifies that, on March 14, 2012, the foregoing document was served upon counsel of record via the Court's ECF System, and upon Plaintiff at 6902 Chicago Road, Warren, Michigan 48091 by first-class U.S. mail.

s/William Barkholz for Felicia M. Moses
CASE MANAGER